

T O W N O F S E X S M I T H

B Y L A W N O . 8 2 1

A Bylaw of the Town of Sexsmith to regulate smoking within the Town owned buildings of the Town of Sexsmith.

WHEREAS it is desirable for the health, safety, and welfare of the inhabitants of the Town of Sexsmith to prohibit or regulate smoking or both;

NOW THEREFORE the municipal Council of the Town of Sexsmith, in the province of Alberta, duly assembled, enacts as follows:

SHORT TITLE

1. This bylaw may be cited as the “No Smoking Bylaw”.

DEFINITIONS

2. In this bylaw:
  - a) “Town owned buildings: means buildings that are specifically owned by the Town but which may be administered by another body, included but not limited to: offices, public works buildings, landfill buildings, arenas, curling rinks, assembly buildings, recreation buildings and park buildings.
  - b) “Town” means Town of Sexsmith.
  - c) “Graphic symbol” means the graphic symbol described in Section 5.
  - d) “No smoking are” means an area in which smoking is prohibited.
  - e) “Peace Officer” or Bylaw Enforcement Officer” is an officer appointed or contracted by the Town to enforce Town bylaws.
  - f) “Person” includes an individual, corporation, partnership, firm, society , and board of trustees, or a combination of any of them.
  - g) “Place of employment” means any enclosed area of a building or structure in which an employee works other than a private home which also serves as a place of work.
  - h) “Place of public assembly” means any building where persons may gather for such purposes as entertainment, recreation, deliberation, worship, business, or amusement, private social function, or adult-oriented entertainment.
  - i) “Printed sign” means the printed sign described in Section 5.
  - j) “Private social function” means a specific social event for which an entire room or hall has been exclusively reserved and at which attendance is limited to people who have been specifically invited or designated by the sponsor of the function.
  - k) “Smoke” or ‘smoking’ includes the use or carrying of a lighted cigar, cigarette, pipe, or any other lighted smoking material, but does not include a performer smoking in the course of a stage or theatrical production.
  - l) “Violation Ticket means a ticket: whereby the person alleged to have committed a breach of a provision of this Bylaw is given the opportunity to pay a voluntary penalty to the Town in lieu of prosecution for the offence.

- m) "Voluntary penalty" means the penalty specified in the Bylaw which may be paid by a person after the violation ticket is issued and served.

NO SMOKING IN ENCLOSED PUBLIC AREAS

3. No person shall smoke in an enclosed public area, within a Town owned building at any time.

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THE NO SMOKING BYLAW

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PLACES OF PUBLIC ASSEMBLY

4. No person shall smoke in an enclosed indoor place of public assembly, which is considered a "Town owned" building at any time.
5. The Town shall designate all no smoking areas by either a graphic symbol or a printed sign placed in a prominent location at or near to each entrance to such area.
- a) A graphic symbol shall:

- 1) Show the following symbol and text:



- 2) Be on a white background with the circle and interdictory stroke in red and the cigarette in black.
- b) Notwithstanding that a cigarette is depicted in a graphic symbol, it shall be deemed to include the smoking of any cigar, cigarette, pipe, or other smoking equipment in the area where the sign is posted.
- c) The diameter of the circle in a graphic symbol shall not be less than 15 centimeters.
- d) A printed sign shall:
- a) Carry the text "NO SMOKING" in capital or lower case letters, or a combination of them;
- b) Have a white or clear background;
- c) Show lettering in a conspicuous contrasting color; and
- d) Include, at the bottom of it, the text "Town of Sexsmith Bylaw No 821"
- e) The letters on a printed sign shall be not less than 2.5 centimeters in height.

OFFENCES AND PENALTIES

6.
  - a) If a Bylaw Enforcement Officer believes any person has committed a breach of any of the provisions of this Bylaw he/she shall serve on that person a violation ticket showing the voluntary penalty for the alleged offence.
  - b) Service of a violation ticket is sufficient if it is:
    - i. Personally served; or
    - ii. Sent by single registered mail to the registered office of a corporation, in which event service will be deemed to have been effected on the seventh day following the date of mailing.

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- c) If within seven (7) days of the date of service of a violation ticket the voluntary penalty is paid to the Town, it will be accepted by the Town in lieu of prosecution. If such payment is not made, a summons will be issued under the Provincial Offences Procedures Act.
  - d) Any person who commits a breach of any provision of this Bylaw is guilty of an offence and on summary conviction is liable to a fine of not less than \$200.00. The voluntary penalty for an alleged breach shall be \$100.00.
  - e) Nothing in this Bylaw shall prevent any person from exercising his or her right to defend any charge of committing a breach of any provision of this Bylaw.
7. If any section of this Bylaw is found to be illegal or beyond the power of the Town's Council to enact, such section shall be deemed to be severable from all other sections of this Bylaw.
8. This Bylaw comes into effect upon final passage thereof.

READ A FIRST TIME THIS 17<sup>th</sup> DAY OF JANUARY, 2005.

AMENDED AND READ A SECOND TIME THIS 7<sup>th</sup> DAY OF FEBRUARY, 2005

READ A THIRD AND FINAL TIME THIS 7<sup>th</sup> DAY OF FEBRUARY, 2005.

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Robert S. Rycroft, Mayor  
Administrator

Carolyn Gaunt, Town